

**Ahihi-Kina`u NARS/ Ke`oneo`io Advisory Group Meeting**  
**May 3, 2004**  
**Kihei Community Center**  
**10 AM to 12PM**

This was the first meeting of this Advisory Group. Group members present were Pat Borge, Lani Correa, Dan Davidson, Sumner Erdman, Ann Fielding, Carrol Hall, Glenn for Sidney Kikuchi (MPD), Charles Maxwell, Sr., Roger Simonot and Dino Ventura. Dee Dee Letts was present as facilitator for the group. Members of the public were present and a sign in sheet for the meeting was circulated. The Advisory Group agreed to the following guidelines for their meetings:

- Listen as an ally
- OK to Disagree
- Courtesy
- Everyone is responsible for the success of the meeting

There was an overview of the purpose of the Advisory Group, which is to advise DLNR on matters that the Department brings to the group regarding the Ahihi-Kina`u NARS/Ke`oneo`io area. The agenda for this meeting included discussion of the ranger positions funded by HTA and the current status of enforcement in the area. A public comment period was provided during the meeting.

#### **HTA Funding Ranger Positions**

Two main topics were discussed as possible roles for the rangers one was to arrest/remove and assure prosecution of violators in the areas and the other was to have a presence and educate those visiting the area as to how special and fragile it is and how they should treat the area.

- The DLNR enforcement person present stated that these rangers would not have arrest powers unless they were DoCARE officers but would be able to call in violations so that an officer could respond.
- These rangers can be trained in what to look for and in what is enforceable but cannot be given the power to arrest.
- It was noted that an onsite presence has a large impact on how people act and behave.
- The National Parks model should be looked at
- Could we use part-time off duty police officers who already have the necessary training – MPD stated that you could but that you could not count on off duty police to fill shifts as the Department would always have first call on calling them back to work which would take precedence over any part time work
- Some people felt that the majority of violations in the area were because people did not understand the rules and appropriate behavior they felt that an onsite educational presence would help
- If we wanted rangers to enforce some of the issues that would have to be addressed would be the use of force, proof of standard for arrest etc.

- Clarity on what is to be enforced would also have to be outlined is it just existing statute or would there be new rules for the area
- DoCARE would rather work with full time rangers then part time off duty police officers
- Suggestion that we look at full time retired police officers who would have the training but would lack the authority due to their retired status
- Presence is important if violations start to get called in and documented word of mouth will travel and folks will stop doing things
- DLNR noted that they are increasing the use of civil penalties on violators which carry a lower burden of proof and can run to significant amounts of money – these are done through Board action
- The DLNR house is approximately 2 to 3 months away from completion and a DoCARE Officer will live there – they will have island wide responsibilities but they will try to keep them in the Kihei area – they recognize that response time is an issue
- What if we gave DoCARE the money to hire more officers – that is not what the grant was written for but DLNR will take another look at the grant – having the rangers does not preclude seeking more money or money from other sources to hire more DoCARE officers – the grant to the best of memories present is for \$460,000 which includes \$220,000 for 2 rangers for 3 years, \$14,050 for signage for the area - \$100,000 for archeological and cultural surveys and \$35,000 for porta potties – some of the money about \$100,000 is to be contracted out to the wildlife fund. DoCARE noted that it might be difficult to recruit new officers as the jobs would be temporary and not permanent career opportunities
- Could we look at splitting the money one ranger for presence and one enforcement officer – it was noted that it would be hard to cover shifts and area with only one ranger.
- What would the optimum shifts be? Do we need night time coverage and if yes how do we make it safe for the ranger? – DoCARE felt you need two together for safety
- We should look at a gated access with entry cards for residents – need to get a legal opinion on this before pursuing but controlling access should definitely be looked at
- We should consider closing off the area for two years while the community plans for appropriate use in the area – this would let the area rest and provide for community planning time
- Someone else stated that kiosks for education could be in place as early as this summer
- The purpose of the rangers some felt would be to provide a presence, education, maintain signage, collect data and survey information on users etc. - should be modeled after Mokuleia
- McKay has stats that he has been collecting and will share (see attached to notes)

The group next moved to the enforcement update:

A cease and desist order was issued on all commercial activity two weeks ago. One commercial operator is continuing his operations – the department is pursuing appropriate civil and criminal actions. Enforcement is for all areas of commercial use not just kayaking. Individuals walking or hiking in the area are not a violation as long as they are not part of a commercial tour. Suggestion from the group stemming from this discussion included:

- Use proper Hawaiian names for area and its features
- They noted that some individuals were charging a higher rental fee for accommodations if it included an activity in the area – this is commercial use of the area and should be reported
- The group noted that if we are going to say this area is not appropriate for commercial activity then we need to tell operators what areas are appropriate - we should implement the State Park's plan that identifies commercial use areas.
- It was again stated that we need to give the area a rest especially the two ponds and that they should be used exclusively for educational purposes for our children
- It was also noted that NOAA needs to be in the enforcement loop

The meeting was opened to comment from the public in attendance on what they had heard so far. The following comments were made:

- We need to return to the Makena Park plan
- Once you allow commercial permits in the area you will never get them out – need to hold the line now
- What is the impact of the private sewer systems along the coast on the area
- Individual rentals are commercial activities and need to be treated as such – you can't just single out kayaks
- Raising prices to include tours is bartering and is illegal
- Kayaks do not hit coral
- Rangers are a good idea but at night it is dangerous and we need to make sure they are safe
- Rangers need to provide onsite first aid and safety
- We need to have impact assessments and costs
- There is a need to balance local and commercial needs – more education is a great thing
- Mahalo NARS Commission for your action
- Advisory group needs to be strong in its words – make sure the folks have the tools to do the job
- Need to reinstate proper names for places
- The demarcation buoys talked about are going to be a magnet for fishermen can we move them so that there is a buffer so that fishermen are not attracted into the NARS. It was noted that for enforcement reasons the buoys must be right on the boundary so that it is clear to commercial users when they are in the NARS area – still need to look at how we address this issue
- It has been noted that the public is doing most of the damage in the area and that the HTA dollars are to provide rangers and amenities that allow the area to stay open to the public not commercial uses

- Need to make sure you contact all commercial activities in the area about no use of the NARS this includes large party promoters, horse stables etc.
- Need Ranger coverage both day and night – need to have to shifts
- Ban applies to all commercial use both land based and ocean based
- Retired police officers should have an opportunity to take the ranger jobs
- Buoys should have buffer area look at KIRK structure
- Can this Advisory Group be quasi enforcement
- Look at Haleakala as a model
- Gate is a good idea
- Archeological and cultural survey is important – if these go forward the Advisory group should be in on the selection of the consultants and should have a role
- Mahalo to Randy and his enforcement officers
- We should look at a system of support to the Rangers of volunteer docents with uniforms
- This is the wrong place for commercial activity
- Happy about closure Maui Kayak supports closure and would like to know what DLNR is looking at for allowing commercial use
- Someone asked if Black Beach might be appropriate

#### Next Steps

The group set it next meeting on July 1 from 9 to 12. **THIS WAS CHANGED TO JUNE 28 FROM 9 TO 12.** The group requested that the following groups be considered for addition NARS, and DHHL. They also requested that a 3-minute limit be put on public comment.